

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

02- -1439

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$3,660.00 IN SETTLEMENT OF THE CLAIM
OF BERNICE JOHNSON AGAINST THE CITY OF ATLANTA**

WHEREAS, Bernice Johnson has filed a claim against the City of Atlanta seeking damages arising out of personal injuries sustained when she fell on a raised surface in the roadway; and

WHEREAS, the City of Atlanta had repaired an area of asphalt located around a catch basin, but had left the surface uneven with the original asphalt causing a hump; and

WHEREAS, the claimant was walking across the street when she fell and injured her shoulder; and

WHEREAS, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$3,660.00 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Bernice Johnson be settled for the sum of \$3,660.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$3,660.00 be paid by the City of Atlanta in satisfaction of any and all claims Bernice Johnson may have stemming from damages sustained to her on or about May 19, 2002 at Lawshe Street and Parsons Street.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.